

GAHC010200772004



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THE GAUHATI HIGH COURT
(HIGH COURT OF ASSAM, NAGALAND, MIZORAM AND ARUNACHAL PRADESH)

Case No. : I.A.(Civil)/804/2026

NATIONAL INSURANCE CO LTD
HAVING ITS REGISTERED OFFICE AT MIDDLETON STREET
KOLKATA AND ONE OF THE REGIONAL OFFICES KNOWN AS GUWAHATI
REGIONAL OFFICE
G.S. ROAD
BHANGAGARH
GUWAHATI AND A DIVISIONAL OFFICE AT TINSUKIA

VERSUS

MOHAMMAD NIZAM UDDIN AND ORS
S/O LATE ASMA BEGUM

1.2:MOHAMMAD ANAM UDDIN

S/O LATE ASMA BEGUM .
RESIDENT OF A.P.O COLONY
PO AND PS MARGHERITA
DIST TINSUKIA
ASSAM

1.3:MOHAMMAD BURHAN UDDIN

S/O LATE ASMA BEGUM .
RESIDENT OF A.P.O COLONY
PO AND PS MARGHERITA
DIST TINSUKIA
ASSAM

2:MD. ALAUDDIN

S/O LATE KHURSID ALI

RESIDENT OF A.P.O COLONY
PO AND PS MARGHERITA
DIST TINSUKIA
ASSAM

Advocate for : MR. R K BHATRA

Advocate for : MR G N SAHEWALLA appearing for MOHAMMAD NIZAM UDDIN
AND ORS

BEFORE
HONOURABLE MR. JUSTICE MRIDUL KUMAR KALITA

ORDER

Date : 30.03.2026

1. Heard Ms. A. Biyani the learned counsel for the applicant. Also heard Ms. K. Sharma, the learned counsel for the respondents.
1. This application has been filed by the applicant/National Insurance Company Limited for setting aside the abatement of appeal against the respondent No. 1 on her expiry.
2. There was a delay for filing the instant Interlocutory Application, however, the said delay has been condoned in the connected Interlocutory Application No. 1050/2026.
2. The learned counsel for the respondent has not objected to the prayer for setting aside the abatement of appeal.
3. I have considered the grounds stated in the instant Interlocutory Application praying for setting aside the abatement of appeal.
4. The said grounds are found to be sufficient grounds as well as

beyond the control of the present applicant.

5. The abatement of appeal on death of the respondent No. 1- Asma Begum on 08.10.2022, by operation of law, is hereby set aside.
6. The instant Interlocutory Application, is accordingly disposed of.

JUDGE

Comparing Assistant